

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of  
The Future of Media and Information  
Needs of Communities in a Digital Age

GN Docket No. 10-25

**Comments of People TV, Inc.**

**I. Introduction**

People TV files these comments in support of the Comments of the Alliance for Community Media and the National Association of Telecommunications Officers and Advisors and to congratulate the Federal Communications Commission ("Commission") for recognizing that Public, Educational and Governmental ("PEG" or "public access") channels must be part of any discussion on the future of media and information needs of communities in a digital age. People TV is a non-profit 501(c) 3 corporation serving as the City of Atlanta's Public Access Media Center. People TV is the only such center serving the 5 million people in metro Atlanta. In 2010, with only \$400,000 in funding, the People TV staff and facilities will serve more than 4,000 people and 75 nonprofits equipment and services, provide over 6,000 hours of local programming to 100,000+ cable subscribers, and train more than 300 youth and adults with job and educational skills. Fair market services valued at more than \$3 million.

PEG channels fill unique community needs such as educational training in digital media, including television, internet social networking and job training for youth and adults; provide access to production equipment and computer centers; provide residents access to local public government meetings and to the transparency all constituents deserve; provide programming and a communication outlet for the diverse communities of Atlanta in order to disseminate local information; provide nonprofits free production for their PSAs; and produce a weekly program, People for People, featuring local nonprofits so they can educate and inform local residents of the services and programs that are available to them. Unless the Commission

actively encourages development of public access, there is no guarantee that public access will remain in our future. In these comments we will answer the specific questions posed in Question 27 of the Public Notice regarding PEG. These comments contain two sections. First, we will share a common message that we, as members of the Alliance for Community Media, feel is imperative to call to the Commission's attention. Next, we will offer insights specific to our community to support our answers to Question 27.

## **II. Summary of Challenges**

PEG is currently facing significant challenges that include but are not limited to:

- Operators abusing state franchise legislation to limit or sunset traditional sources of PEG support, resulting in PEG centers closing across the nation;
- Operators employing state franchise laws to limit or sunset the availability of PEG channels, resulting in community voices being silenced;
- Operators refusing to treat PEG channels in the same way they treat local broadcast channels, resulting in the loss of audience and shared community communications. Among the practices that have made it more difficult for consumers to find and view PEG channels are: operators that move channels them to less desirable channel locations, operators that require consumers to obtain additional equipment to view PEG channels, or operators that aggregate PEG channels on a technically deficient video stream, which lacks the functionality of commercial channels; and
- The Commission's delay in addressing a number of PEG community petitions for declaratory rulings to restrict the above complained of industry practices.

The Commission must understand that its inaction as much as the abusive actions of others is jeopardizing the future of community programming. The Commission was once the champion of community programming, and we hope that this docket signals the Commission's return to that role.

### III. Responses to Specific PEG Questions Posed by the Commission:

People TV offers the following answers to the specific questions outlined in the FCC's Public Notice.

**A. PEG channels are being used to effectively provide useful news and information to our community, but are threatened by industry practices and naïve state franchising legislation.**

PEG channels are being used effectively in our community. For example, our local community producers have programs such as Prime Time Good News, The City, Pride and Politics, Issues and Answers, Keeping It Real Estate, Atlanta Regional Commission, and Real Conversations with Black Men to name a few. People TV would answer the Commission's inquiry whether "[PEG] channels [are] being used as effectively as possible for the provision of useful news and information to communities" in the affirmative.

People TV appreciates that programming could always be more effective if more of the population involved its self in the programming decisions. More efforts could be made in this regard if programmers were assured funding and our channels were not subject to industry efforts to marginalize our programming, for example Comcast requires consumers to have a digital box for television set in the home and AT&T U-Verse is cost prohibitive due to the equipment required to provide them our programming in a format that is compatible with their equipment and it would then be degraded by the internet streaming and limited functionality of their service.

**B. PEG channels have evolved over time to retain their effectiveness and must continue to evolve to ensure effectiveness in the digital future**

In response to the Commission's inquiry as to "How has the role of PEG channels changed over time, and how could their effectiveness be improved?" [Center] offers the following:

PEG channels and PEG operators have evolved to adapt to meet the needs and interests of the local community. In our case our programming has been expanded and is streamed live and offered on video on demand. It is not just our programming that has changed, our very operations have changed by providing

computer and internet access to those that cannot afford it at home, digital equipment is available, more job skill training through courses offered and a youth program (FUEL Media, Furthering Unity, Education and Leadership) after school and on Saturdays.

The bottom line on all these changes are that our PEG programming and PEG operations have evolved to ensure that they remain relevant in the life of our community.

**C. Operators have employed statewide franchising regimes to negatively impact the number, composition and funding of PEG channels.**

Laws imposing statewide franchising regimes have been devastating to PEG channels and PEG Centers. Some state franchising laws limit PEG channels to the maintenance of current channels regardless of future community needs or technological advancements. The worst state franchising laws sunset or outright eliminate PEG channels and PEG funding support.

In those states that preserve the number of PEG channels, the funding for PEG operations has typically been cut dramatically. And where PEG funding is available, the options that local franchising provided to use funds for operations by mutual consent no longer exists in light of the definitions outlined in the Commission's Section 621 order.

PEGs in Georgia have been seriously affected by the state video franchising that went into effect January 1, 2008. The new law has totally gutted the ability of local governments to negotiate new LFAs that would provide any support for PEG channels. Cable operators can simply refuse and go to a state franchise agreement where they have to offer very little and places controls offer the number of channels and guidelines for use.

Georgia law allows any incumbent cable operators to terminate the existing Local Franchise Agreement (LFA) and apply for a State Franchise. PEG provisions continue until the natural end of the LFA or July 1,

2012 which ever comes first and NO funding for PEG is required beyond the natural end of the local franchise agreement or July 1, 2012 which ever date is first.

After July 1, 2012, no more than 3 PEG channels must be made available to any local jurisdiction and that availability is based upon the number of channels the jurisdiction had active on January 1, 2007, the population, and programming guidelines. The local governments must qualify for each channel by meeting and maintaining defined original, non-duplicative programming guidelines.

Each channel must be certified as “substantially utilized” before a 2<sup>nd</sup> or 3<sup>rd</sup> channel is awarded. (Character generated messages, video bulletin boards, traffic cameras or other such content do not meet the program content guidelines). Areas with population of 50,000 or more may request up to 3 channels, less than 50,000 people up to 2 channels and if there are no channels provided for in an existing local franchise agreement then the local government may request 1 non-exclusive channel to transmit one signal that shares all 3, PE and G.

The first 2 channels are on basic or on the analog tier and the 3<sup>rd</sup> channel goes to the digital non-basic tier. There are No provisions for supplementing the cost of a digital box required by the public to view PEG.

**D. Operators have frustrated the intent of state franchising regimes in that they have not provided robust consumer choice, but have dramatically undermined PEG channels and PEG operations**

The rationale for state franchising was ostensibly to promote the greater competition and lower consumer prices. But this experiment has largely failed, and PEG programming and PEG operations have suffered greatly as a result of this failed experiment. This should not be a surprise. Because state franchises are standardized and not negotiated to meet community needs, the states have imposed a one size fit all program. The result is that many communities have no real opportunity to have their PEG needs met. Additionally, the strength of the Cable Act was that it was flexible in permitting communities to demand more as their needs

increased. The inflexible approach taken by state franchising laws is antithetical to the notion in the Cable Act (and implicit in this proceeding on the future of media) that community needs change over time.

People TV will receive only \$100,000 for 2011 and 2012. All cable franchise fees will go to the City's general fund and no support for public access will be provided due to Atlanta's \$80 million deficit. State video franchising has created no competitive environment that would lower fees; they have only increased since this law went into effect. State video franchising has limited and virtually eliminated PEG in Georgia.

**E. The digital age will offers opportunities to supplement PEG channels; however these digital advances cannot supplant the need for PEG channels.**

Some argue that You Tube, the establishment of personal and public web pages and social websites, render traditional mass media unnecessary. These arguments are most often made by industry and their champions as a justification for escaping public obligations, and are a misrepresentation of the media landscape. It is interesting to note that while making these arguments, commercial interests are not abandoning the television platforms for the Internet. Commercial providers recognize that in an information economy, the ability to distribute by multiple means is the only way to serve the interests of your audience. What should community providers be denied their ability to continue to reach their audience in a format of the viewer's choosing?

New delivery platforms do not render traditional platforms obsolete. They allow consumers to choose the means by which they receive information – and to allow each individual consumer to make different choices at different times. The model is not displacement but “information everywhere.” Should a content provider or “speaker” be limited to one platform – be it the Internet, or mobile applications, or traditional broadcast channels – a significant portion of the audience will not be reached. Today, the most effective and perhaps only means to the poor and non-English speaking audiences, communities that rely heavily on public, educational and government programming is by means of the television. The same is true of public participation in PEG programming. If the only way to speak is via the Internet, groups who wish to reach a

mass audience on an issue of local public importance may not be able to communicate effectively. But the Commission is already well aware of this challenge following its hearings on localism.

Finally, community programming relies not only on programming outlets, but on programming centers. Even in the digital age there continues to be a strong need for public places where consumers can both receive and create appropriate local information that can be easily found. PEG operations ensure that there is a well-funded "public space" that consumers can easily reach across all media.

Therefore, the Commission must not accept the claims that alternative platforms reduce the need for PEG channels and PEG support. They are based on a misrepresentation of the nature of media. For while advances introduced by the digital age can offer additional platforms for sharing PEG programming, these additional platforms will never replace PEG channels so long as the television is the primary source of video communications in this nation.

#### **IV. Conclusion**

Public Educational and Governmental channels must not only be part of any discussion on the future of media and information needs of communities in a digital age, PEG must be a part of the digital age. The Commission must understand that that unless it actively encourages development of public access as it did in the 1970's, there is no guarantee that public access will remain in our future. And that would be a grave loss for communities around the country.

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